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TRANSMITTAL OF APPEAL BRIEF (Large Entity)	Docket No. ITL.0248US

Re Application Of: James P. Ketrenos et al.

Application No. 09/466,113	Filing Date December 17, 1999	Examiner Adnan Mirza	Customer No. 21906	Group Art Unit 2141	Confirmation No. 9791

Invention: **Distributed File System Including Multicast Retrieval**

COMMISSIONER FOR PATENTS:

Transmitted herewith in triplicate is the Appeal Brief in this application, with respect to the Notice of Appeal filed on November 19, 2004.
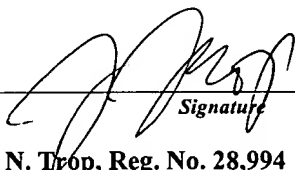
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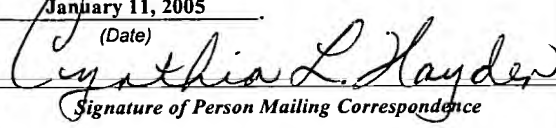☐   Payment by credit card. Form PTO-2038 is attached.

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Dated: **January 11, 2005**

Signature

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P30LARGE/REV06

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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<tr><td>In re Applicant:</td><td>§</td><td></td><td></td></tr>
<tr><td>James P. Ketrenos et al.</td><td>§</td><td>Art Unit:</td><td>2141</td></tr>
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<tr><td>For: Distributed File System</td><td>§</td><td>Atty Docket:</td><td>ITL.0248US</td></tr>
<tr><td>Including Multicast Retrieval</td><td>§</td><td></td><td>P7373</td></tr>
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APPEAL BRIEF

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REAL PARTY IN INTEREST

The real party in interest is the assignee Intel Corporation.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-24 are rejected and are the subject of this Appeal Brief.

STATUS OF AMENDMENTS

All amendments have been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 calls for method for receiving a request for a portion of a file system by a client. A client 12 may communicate with a server 10 over a network 20 as shown in Figure 1. The file system is indicated at 22 in Figure 1. In Figure 2, in block 44, a request for a file system is indicated.

The claim further calls for identifying whether the portion is stored in a first location associated with portions of the file system that have been previously stored. The first and second locations are shown in Figure 1 at items 24 and 26 and are described in the specification at page 4, lines 16-23. The determination of where the portion is stored is shown in Figure 2, block 44, and explained in the specification at page 6, line 24, through page 7, line 22. As indicated in Figure 2, the server first scans the first storage location 24 then scans the second storage location. The operation corresponding to claim 1, in one embodiment of the present invention, is explained in the specification at page 8, line 21, through page 9, line 2. The second location is associated with portions of the file system that were streamed to the client by the server. See the specification at page 13, lines 1-7.

Claim 8 calls for a system including a processor and a storage unit including a software program. See Figure 1, item 12. The storage may include a software program that, upon execution, scans a first location and a second location. See Figure 1 in the material described above.

Claim 17 is a software version of the claimed invention. See Figure 5 and the flow chart therein and the discussion in the specification at page 15, line 11, through page 16, line 10.

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

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GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

A.   Are Claims 1-24 Unpatentable Over Golden in View of Wlaschin?

ARGUMENT

A. Are Claims 1-24 Unpatentable Over Golden in View of Wlaschin?

Claim 1 calls for receiving a request for a portion of a file system by a client. A file system is the overall structure in which files are named, stored, and organized. See, Microsoft Press Computer Dictionary, copy of pertinent page attached in the Evidence Appendix. Thus, the file system relates to how the files are organized, named, or stored, not to the files themselves.

Neither of the cited references teaches anything about receiving a request for a portion of a file system.

The office action indicates that Golden, column 28, lines 35-53, teaches receiving a request for a portion of a file system by a client. There is not one word in the cited material that has anything to do with receiving a file system. Golden talks about two fragments of data, but nothing in anyway suggests that that data constitutes a file system in particular.

Similarly, column 4 of Wlaschin '121 at lines 18-29 is also cited. While the reference refers to partitions, it also refers to data files. But data files are not commensurate with a file system. Nothing in any of the material cited in Wlaschin has anything to do with receiving a request for a file system.
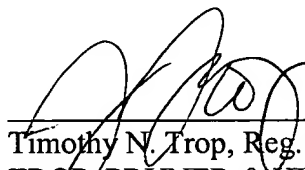
Therefore, neither of the references or their combination suggests anything that has pertinence to any of the claims currently pending.

Applicants respectfully request that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date: _____1\11\05_____

_____
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CLAIMS APPENDIX

The claims on appeal are:

1. A method comprising:
   receiving a request for a portion of a file system by a client;
   identifying whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the client; and
   if not, determining whether the portion is stored in a second location associated with portions of the file system that were streamed to the client by a server.

2. The method of claim 1, further comprising retrieving the portion from the server if not stored in the second location.

3. The method of claim 1, wherein identifying further comprises associating portions of the file system used by the client during start-up with the first location.

4. The method of claim 1, wherein determining further comprises associating the second location with portions of the file system that were streamed to the client using a multicast operation.

5. The method of claim 3, wherein associating further comprises:
   monitoring accesses to a plurality of portions of the file system during start-up;
   retrieving the plurality of portions from the file system; and
   storing the plurality of portions in the first location.

6. The method of claim 4, wherein associating further comprises:
   retrieving a plurality of portions from the file system using multicasting; and
   storing the plurality of portions in the second location.

7.   The method of claim 1, further comprising waiting for the portion to be streamed to the client if not stored in the second location.

8.   A system including:
        a processor;
        a storage medium including a software program that, upon execution:
                scans a first location associated with portions of a file system that have been previously stored by the system; and
                scans a second location associated with portions of the file system that have been streamed to the system by a server.

9.   The system of claim 8, wherein the first location is a non-volatile storage medium.

10.   The system of claim 9, wherein the non-volatile storage medium is a flash memory device.

11.   The system of claim 8, wherein the second location is a volatile storage medium.

12.   The system of claim 11, wherein the volatile storage medium is a memory device.

13.   The system of claim 9, wherein the first location comprises portions of the file system used by the client at start-up.

14.   The system of claim 9, wherein the second location comprises portions of the file system retrieved using a multicast operation.

15.   The system of claim 9, wherein the software program, upon execution, retrieves the portion from the server if not stored in the second location.

16. The system of claim 14, wherein the contents of the second location are procured as a background operation.

17. An article comprising a medium storing instructions that cause a processor-based system to:

receive a request for a portion of a file system by the processor-based system;

identify whether the portion is stored in a first location associated with portions of the file system that have been previously stored by the processor-based system; and

if not, determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system.

18. The article of claim 17, wherein the medium storing instructions is a flash memory device.

19. The article of claim 17, further storing instructions that cause the processor-based system to retrieve the portion from a server if not stored in the second location.

20. The article of claim 17, further storing instructions that cause the processor-based system to determine whether the portion is stored in a second location associated with portions of the file system that were streamed to the processor-based system by a server using a multicast operation.

21. The article of claim 20, further storing instructions that cause the processor-based system to wait for the portion to be stored in the second location by the multicast operation.

22. The article of claim 17, further storing instructions that cause the processor-based system to determine the contents of the first location by monitoring access of the file system during a predetermined time period.

23.   The article of claim 22, wherein the instructions that cause the processor-based system to determine the contents of the first location by monitoring access of the file system during a predetermined time period are executed once.

24.   The article of claim 17, further storing instructions that cause the processor-based system to:

determine whether the portion will be stored in the second location within an allotted time period; and

retrieve the portion from a server if not stored in the second location within the allotted time period.

EVIDENCE APPENDIX

Designed for

Microsoft
Windows NT®
Windows® 95

CD-ROM
Included

The Ultimate Computer Reference

The Comprehensive Standard for
Business, School, Library, and Home

Over
7,600
Terms

Additional Terms
Available On Line
Quarterly

Microsoft Press
Computer
Dictionary
Third Edition

- *Over 300 illustrations and diagrams*
- *Extensive Internet coverage*
- *Featured in Microsoft® Bookshelf®*
- *Covers software, hardware, concepts, and more!*

Microsoft *Press*

file server \fīl´ sər´vər\ *n.* A file-storage device on a local area network that is accessible to all users on the network. Unlike a disk server, which appears to the user as a remote disk drive. a file server is a sophisticated device that not only stores files but manages them and maintains order as network users request files and make changes to them. To deal with the tasks of handling multiple—sometimes simultaneous—requests for files. a file server contains a processor and controlling software as well as a disk drive for storage. On local area networks. a file server is often a computer with a large hard disk that is dedicated only to the task of managing shared files. *Compare* disk server.

file sharing \fīl´ shâr´ēng\ *n.* The use of computer files on networks. wherein files are stored on a central computer or a server and are requested. reviewed. and modified by more than one individual. When a file is used with different programs or different computers. file sharing can require conversion to a mutually acceptable format. When a single file is shared by many people. access can be regulated through such means as password protection. security clearances. or file locking to prohibit changes to a file by more than one person at a time.

file size \fīl´ sīz\ *n.* The length of a file. typically given in bytes. A computer file stored on disk actually has two file sizes, logical size and physical size. The logical file size corresponds to the file's actual size—the number of bytes it contains. The physical size refers to the amount of storage space allotted to the file on disk. Because space is set aside for a file in blocks of bytes, the last characters in the file might not completely fill the block (allocation unit) reserved for them. When this happens. the physical size is larger than the logical size of the file.

filespec \fīl´spek\ *n. See* file specification (definition 1).

file specification \fīl´ spes´ə-fə-kā´shən\ *n.* **1.** Abbreviated filespec. The path to a file. from a disk drive through a chain of directory files to the filename that serves to locate a particular file. **2.** A filename containing wildcard characters that indicate which files among a group of similarly named files are requested. **3.** A document that describes the organization of data within a file.

file structure \fīl´ struk´chur\ *n.* A description of a file or group of files that are to be treated together for some purpose. Such a description includes file layout and location for each file under consideration.

file system \fīl´ si´stəm\ *n.* In an operating system. the overall structure in which files are named, stored. and organized. A file system consists of files. directories. and the information needed to locate and access these items. The term can also refer to the portion of an operating system that translates requests for file operations from an application program into low-level. sector-oriented tasks that can be understood by the drivers controlling the disk drives. *See also* driver.

file transfer \fīl´ trans´fər\ *n.* The process of moving or transmitting a file from one location to another. as between two programs or over a network.

File Transfer Protocol \fīl´ trans-fər prō´tə-kol\ *n. See* FTP[1] (definition 1).

file type \fīl´ tīp\ *n.* A designation of the operational or structural characteristics of a file. A file's type is often identified in the filename. With MS-DOS. a file's type is usually reflected in the filename extension. *See also* file format.

fill \fil\ *n.* In computer graphics. to "paint" the inside of an enclosed figure. such as a circle. with color or a pattern. The portion of the shape that can be colored or patterned is the fill area. Drawing programs commonly offer tools for creating filled or nonfilled shapes: the user can specify color or pattern.

film at 11 \film´ at ə-lev´ən\ A phrase sometimes seen in newsgroups. An allusion to a brief newsbreak on TV that refers to a top news story that will be covered in full on the 11 o'clock news. it is used sarcastically to ridicule a previous article's lack of timeliness or newsworthiness. *See also* newsgroup.

film recorder \film´ rə-kōr´dər\ *n.* A device for capturing on 35-mm film the images displayed on a computer screen.

film ribbon \film´ rib´ən\ *n. See* carbon ribbon.

filter \fil´tər\ *n.* **1.** A program or set of features within a program that reads its standard or designated input. transforms the input in some desired way. and then writes the output to its standard or